



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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May 14, 2010

Mr. Charles Walden,
Project Manager,
Directorate of Public Works
Prevention and Compliance Branch
Environmental Division
1550 Frank Cochran Drive,
Building 1137,
Fort Stewart, GA 31314-4928

Subject: Draft Environmental Impact Statement (DEIS) for Training Range and Garrison
Support Facilities Construction and Operation at Fort Stewart, Georgia; CEQ Number
20100105

Dear Mr. Walden:

EPA has reviewed and is providing comments on the above referenced DEIS pursuant to its responsibilities under the Clean Air Act (CAA) § 309 and National Environmental Policy Act (NEPA) § 102 (2)(C) responsibilities. Based on our review we have given the DEIS a rating of EC -2"¹ environmental concerns with additional information requested. The concerns are primarily focused in the areas of noise, water quality, and aquatic resource impacts and they are briefly outlined below and in detail in the enclosed comments.

Background

Fort Stewart (Fort) comprises 279,270 acres (435.9 mi²), is the largest military installation east of the Mississippi River, and the largest federal landholder in Georgia. The Fort is located on a relatively flat, coastal landscape of sandy soils, riparian areas, and marshland. The National Wetlands Inventory indicates 91,960 acres (30%) of the Fort are wetlands. The Fort has implemented a wetland mitigation banking program by restoring the Canoochee Creek reservoir, a 1,086-acre pond, to its original hydrologic regime of a free-flowing stream and the restoration of an adjacent ecosystem.

Over 400 acres of tank trails and 246,553 acres of training/maneuver areas, of which 123,335 acres is designated as contiguous heavy maneuver area, are used for training activities and 19,985 acres are designated as impact/restricted areas, including the cantonment area. The Fort has over 30,000 buildings, most of which are located in the cantonment area.

¹ See enclosed EPA rating system criteria definition document.

Proposed Action

The proposed action consists of two categories of projects: the construction and operation of ranges and garrison support facilities. Twelve new ranges are proposed to supplement the 10 existing ranges: Multipurpose Machine Gun Range, two Modified Record Fire Ranges (2011 & 2013), Qualification Training Range, Combat Pistol Qualification Range, Fire and Movement Range, a 10/25 meter Zero Range, Infantry Platoon Battle Course, Infantry Squad Battle Course, Digital Multipurpose Training Range, Known Distance Range, and Convoy Live Fire Range.

Two new garrison support facilities are proposed, involving an additional 288,000 ft² of buildings projected to require external combustion for heating and hot water and electricity for cooling. One facility's purpose is to support the unit designated to operate the Sky Warrior System associated unmanned Aerial Vehicle System (UAVS). The second facility would support the 10th Engineer Battalion (EN BN) or a similar-sized unit.

The proposed action is needed because the Fort's existing facilities have become inadequate to support its mission. Several range projects are needed to modernize ranges to create a more realistic training environment. The other range projects will increase the capacity of available ranges required to serve the number of soldiers and using the Fort as a training platform.

Alternatives Analysis

The alternatives analysis evaluated Alternative A, the no-action alternative of continuing the current mission using existing or previously programmed ranges and facilities, and two additional alternative site locations: Alternative B (the preferred alternative) and Alternative C.

Environmental Impacts

It is assumed the proposed actions will realize a 15% increase in transportation associated with the new ranges and roads. The preferred alternative will impact 3,115 total acres including 190.21 wetlands acres, removal of 997 acres of timber, and impacts to protected species habitat: 1,649.7 acres of Redcockaded Woodpecker (RCW) Habitat Management Units, 41 cavity trees, and 31 RCW foraging partitions; 186.2 acres of primary buffer, 518.4 acres of secondary buffer, and 14.4 acres of breeding ponds for the Frosted Flatwoods Salamander habit, 308.8 acres of Gopher Tortoise Habitat, and 452 acres of Eastern Indigo Snake habitat.

EPA Concerns

Noise

Documentation of the project actions' noise exposure impacts should be expanded in the FEIS by enumeration of the number and kinds of homes newly exposed to noise contours extending outside the Fort's boundaries, as well as the number of people experiencing such exposure while living in these newly exposed homes. Moreover, the noise levels of the noise

contours should be better defined and preferably compared to more conventional metrics such as the day-night sound level (DNL) used by the Federal Interagency Committee on Noise. Finally, the noise levels of the risk of complaints categories appear high. Also, the definition of “dBP” appears missing from the Glossary of Terms, and its use is unclear in the text. It should be defined in the FEIS as well as compared against more conventional metrics such as instantaneous maximum or DNL levels. The FEIS conclusions may therefore change depending on the metric of the noise levels associated with the risk level characterizations. In essence, the FEIS should better disclose noise exposure impacts at noise sensitive receptors and provide impacts and risk levels in more conventional metrics.

Water Quality/Quantity

- EPA’s primary concerns are focused on the stormwater runoff associated with the construction and operation of the ranges and garrison support facilities, particularly the potential to detrimentally affect streams in the area including any listed impaired streams. Details of these concerns are provided in the enclosed comments.
- The FEIS should discuss whether any of the proposed new demands for water from one watershed and corresponding wastewater treatment discharge into another watershed may result in a significant transfer of water between watersheds.
- It is indicated in the DEIS that several of the ranges will be located in the 100-yr floodplain. The FEIS should include a figure that depicts all facilities in relation to the 100-yr floodplain. It is also recommended that an analysis be conducted to evaluate the hydrologic impacts of building these facilities in the 100-yr floodplain. This analysis should include predicted water surface elevations downstream of the ranges for various storm events and identify potential impacts.
- EPA also recommends an additional analysis and evaluation of the existing stormwater conveyance infrastructure to ensure that the existing system will not be undersized for any of the proposed projects, which could lead to indirect water quality impacts and potential flooding.

Aquatic Resource Impacts

- EPA is concerned with the substantial level of wetland impacts identified in the DEIS. EPA is also concerned that all impacts identified in the DEIS have been characterized as solely wetlands impacts when two projects recently noticed by the U.S. Army Corp of Engineers (IPBC and MPMGR) show impacts to streams on the 7.5-minute USGS topo quad maps. Stream impacts associated with any of the actions listed in the DEIS should also be appropriately mitigated.
- Because expanded Clean Water Act (CWA) § 404(b)(1) analyses have not been prepared for three ranges² EPA is unable to but would like to review and comment on these analyses

² P. 4-27.

before they appear in the FEIS. Please send them to Bob Lord, Region 4's Wetlands Program.

- The FEIS should discuss: the application of the Fort's regional permit for low water crossings, which allows for a maximum of 15 acres of cumulative wetlands impacts from low-water crossings, how the cumulative wetlands impacts are defined, and water quality impacts and other aquatic resources impacts associated with this permit.
- EPA disagrees with the DEIS' position that applying for a CWA § 404 permit is a minimization of wetlands impacts, implying wetlands mitigation. CWA 404 requires a permit for any dredge and fill impacts to jurisdictional waters of the U.S., including wetlands. The CWA is a regulatory requirement, not a mitigation option. The FEIS should clarify this fact.
- EPA recommends that the FEIS should also discuss how the proposed mitigation meets the requirements of the Compensatory Mitigation for Losses of Aquatic Resources Final Rule.³
- Given the opportunity, EPA would have discouraged the use of the Wilkinson - Oconee Mitigation Bank since it is out of the watershed, out of the ecoregion, and likely does not fully compensate for the functions lost at the project sites. EPA is also concerned that the Fort is not fully debiting its own mitigation bank before going to off-site alternatives. The Fort's mitigation bank is within the same watershed and ecoregion and thus more likely to replace the lost wetland functions. There appears to be ample time to expand this bank to accommodate the future needs, which is currently presented as a reason for not fully using it for these projects. Typically, EPA discourages applicants from purchasing mitigation credits until the Section 404 permit has been issued, because this precludes other, possibly preferable, mitigation actions.
- The FEIS should explain how the proposed mitigation will adequately compensate for lost wetland functions and values such that it results in no net loss of wetland functions and values. EPA is concerned that the credit calculations using the Savannah District Standard Operating Procedure (SOP) do not fully compensate for the impacts. The Savannah District has frequently indicated to EPA that the SOP is not applicable to large impacts, such as those over 10 acres. EPA agrees and has proposed a scaling factor to address the cumulative impacts of large projects such as the factor used in the Charleston District SOP. This is the approach used by the Georgia Department of Transportation for its projects that exceed the 10 acre threshold. For very large projects this scaling factor could be capped at an appropriate level. EPA has suggested 3.0 acres, which is equal to the next largest factor used in the SOP. Application of the SOP without a scaling factor for large impacts, particularly the 108.1 acres for the MPMGR is not appropriate, even according to past findings from the Savannah District.

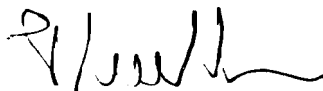
³ 33 CFR Parts 325 & 332 and 40 CFR Part 230

Cumulative Impacts

- The DEIS indicates the construction of six new ranges is reasonably foreseeable on the Fort 2016 and 2017. The EIS should mention whether there is sufficient land on the Fort to accommodate these new ranges or whether the Fort will have a training land shortfall requiring acquisition of new lands outside the Fort's boundaries.

Thank you for the opportunity to review and provided comments. If you wish to discuss this matter further, please contact Beth Walls (404-562-8309 or walls.beth@epa.gov) of my staff regarding NEPA issues and Bob Lord (404-562-9408 or lord.bob@epa.gov) for aquatic-resource-related issues.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: District Engineer, Savannah District, U.S. Army Corps of Engineers

Enclosures: Summary of Rating Definitions
EPA's DEIS Comments

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION ¹

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS site, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant

¹ From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment.

EPA's Detailed Comments on the Draft Environmental Impact Statement (DEIS) for Training Range and Garrison Support Facilities Construction and Operation at Fort Stewart, Georgia: CEQ Number 20100105

EPA's concerns are primarily focused in the areas of noise, water quality impacts, and aquatic resource impacts and are discussed in detail below.

Water Quality – potential stormwater impacts

According to the DEIS each alternative has the potential for moderate to adverse cumulative impacts to streams, stormwater, and floodplains and to impact impaired water bodies and stream buffers.

Ranges

Stormwater runoff associated with the construction and operation of the ranges has the potential to detrimentally affect streams in the area, particularly any listed impaired streams. An example of a potential stream impact includes stormwater runoff from unfinished (i.e., dirt) range-associated roads.

The DEIS suggest that compliance with both the Clean Water Act (CWA) and the Georgia Erosion and Sedimentation Control Act (ESCA) will keep waters from being degraded or that compliance with these two laws is the maximum required for NEPA mitigation purposes. While the existence of both the CWA and ESCA and their implementing regulations are intended to prevent further water-resource degradation, inferring that these existing protections are 100 percent effective is not a substitute for demonstrating that impacts to water resources will be moderate. The DEIS does not describes the applicability and potential effectiveness of the Georgia Erosion and Sedimentation Control Act to military live-fire and maneuver ranges. For example, EPA notes that Table 6-2¹ lists as a mitigation measure- *the attainment of a stream buffer variance when construction activities require crossing or encroaching within 25 feet of state waters*. EPA does not consider a stream buffer variance as a NEPA mitigation measure nor a measure protective of water quality. The DEIS does not discuss the water-quality and aquatic-resource impacts associated with these anticipated buffer variances or identify how many of the variances will be pursued. These issues should be addressed in the Final EIS (FEIS).

Accumulation of Spent Ammunition

Of particular interest is the use of these lands for live fire training and the resulting cumulative impacts to the surrounding ecosystem. The Fort Stewart's (Fort) range areas, particularly now with the expected increase in use and their associated berms, represent a

¹ p. 6-11

potential for emerging mini-toxic sites. The soil berms serve to collect spent ammunition (lead and tungsten) that over time can accumulate into concentrations that will threaten surface and ground-water supplies, e.g., lead contamination associated with stormwater runoff, and will require costly clean up. Furthermore, the Department of Defense (DoD) Directive Number 3200.15 states DoD's policy that planning and management for the DoD range sustainment program shall identify range environmental considerations and safety factors that may influence current or future range activities, including reasonably anticipated future uses if the range has a finite withdrawal or lease period that shall not be renewed.

Additionally, DoD Directive Number 4715.11 states DoD's policy is to ensure the long term viability of operational ranges while protecting human health and the environment; limit the potential for explosive mishaps and the damaging effects of such to personnel, operational capability, property, and the environment; design and use operational ranges and the munitions used on them to minimize harmful environmental impacts; and to promote resource recovery and recycling. In light of these directives, EPA encourages the use of applicable technologies that would minimize or eliminate above concern.

Of additional interest is the potential for use, exposure to, and the accumulation of potentially toxic materials (e.g., beryllium, dichlorobenzenes, dioxin, 2,4-Dinitrotoluene (DNT), lead, nanomaterials, N-nitrosodimethylamine (NDMA), polybrominated diphenylethers (PBDEs)/polybrominated biphenyls (PBBs), perfluorooctanoic sulfonate (PFOS)/perfluorooctanoic acid (PFOAs), trichloropropane (TCP), tetrachloroethylene, 1,4-dioxane, chromium VI, naphthalene, perchlorate, Cyclotrimethylenetrinitramine (RDX), and trichloroethylene (TCE)). These contaminants represent the potential for adverse health effects on operating forces, DoD employees, the public, and the surrounding ecosystem, potentially reducing training/readiness and use restrictions on ranges, and increased operation and maintenance and/or clean up costs, which may amount to a drain or diversion of resources from mission needs. Perchlorate is reportedly a growing issue that must be proactively addressed. The FEIS should discuss the potential for use and increased use of these contaminants in light of the proposed action and how they may pose human health and environmental risks.

Garrison Facilities

Construction and operation of the proposed facilities will likely increase the area of impervious surfaces. One concern with increased impervious surfaces is the potential of stormwater from recharging groundwater (i.e., aquifers) and channels it directly into surface waterbodies. The DEIS does not recognize the need to allow stormwater to recharge groundwater and avoid diverting all of the stormwater to surface waterbodies in the area.

Additionally, EPA is concerned with any reliance on sediment ponds for stormwater runoff control as these ponds can effectively capture, contain, and accumulate various chemical compounds into toxic levels requiring landfill disposal. For example, coal-tar sealants spread on driveways and parking lots contain chemical compounds classified as likely carcinogens, polycyclic aromatic hydrocarbons, which can be washed into stormwater runoff and accumulate in these ponds.

Noise Impacts

The DEIS states that both Alternatives B and C will have moderate adverse cumulative impacts to noise sensitive areas. It also states that, in general, noise-producing activities would occur in remote locations where sensitive receptors would not be affected.² The FEIS should discuss the noise durations and frequencies as part of the noise discussion. The following comments are based on the noise information provided in Appendix I.

General – The overall readability of the noise appendices should be simplified in the FEIS. Although glossaries are provided at the end of appendices, the glossary text should also provide definitions at first mention (e.g., “PK15(met)”) as well as other additional information. For example, it is unclear why dBC (dB (decibels) at the C scale) was used when dBA is the conventional noise metric, relative to human ear perception. Also, the definition for the term “dBP” (used on page 14 to define the noise level of complaint risks) was not found and should be included in the FEIS.

More importantly, the noise metrics for the noise contours (noise exposure iso-lines generated by each proposed action) for Zones II and III is not clear to public or agency reviewers. These are defined as “PK15(met) 87 dB” for Zone II and “PK15(met) 104 dB” for Zone III. Apparently, these contours are the maximum instantaneous pressure levels (rather than averaged values) that can be expected from the actions. While these metrics may be typical descriptors for military facilities, we suggest that the significance of 87 dB and 104 dB be discussed and that a conversion to a more conventional metric (e.g., dBA DNL (day-night sound level) used by Federal Aviation Administration and other members of the Federal Interagency Committee on Noise (FICON) also be provided for public comparison.

Minimization of Impacts – It is unclear from the DEIS if any of the proposed actions could be minimized to prevent or reduce noise contours from extending beyond the Fort boundaries. That is, the FEIS should discuss if the location of the proposed training actions could be shifted centrally within the Fort boundaries to prevent extension of elevated noise exposures outside property lines, or if any contour extensions outside the property could be directed to only those areas without Noise Sensitive Receptors (NSRs). Also, if not already the case, could noise generation of these actions be limited to daytime hours so that they would not occur during nighttime sleeping hours for nearby NSRs?

Disclosure of Impacts – As suggested above, noise contours for several actions would extend beyond the boundaries of the Fort. EPA notes that portions of these noise contours incorporate NSRs such as Fort housing. The FEIS should enumerate the number and kinds of inhabited homes (single or multi-family homes) and number of affected people living in these homes to document the magnitude of the elevated noise exposure. These data should be presented by noise contour, location, and the noise source (small caliber, grenade launcher, etc.).

² P. 5-29.

Risk of Complaints – Risks of Complaints were characterized as “Low”, “Moderate”, “High”, or “Risk of Hearing Damage to Unprotected Ears.” These risk levels were associated with distances from the noise source and noise levels presented in an undefined “dBP” metric (as suggested above, the FEIS should define dBP). Without a definition of dBP, the meaning of the associated noise levels for each risk level remains unclear. Even after dBP is defined, these values should also be presented as more conventional metrics such as instantaneous maximum dBA noise values and/or DNL averages. However, if dBP is similar to either metric, EPA finds them to be too high for their risk characterization. For example, EPA does not believe that values approaching 115 dB are a “low” risk of complaints or that a value of 115 dB should be considered a “moderate” risk of complaints. Similarly, a “high” risk of complaints would likely start before the listed >130 dB. The initial level for risking hearing damage is less certain and is also related to time of exposure, but is also likely to start before the listed >140 dB level. As such, the FEIS conclusions reached for the noise impacts of the proposed actions may change depending on the metric of the noise levels associated with the risk level characterizations.

Watersheds

The DEIS indicates the Fort’s boundaries encompass four different watersheds. Water transfers between watersheds can be an issue of concern, e.g., during periods of drought. For example, water piped from one watershed for potable use and returned via a permitted wastewater treatment plant discharge or septic discharge to another watershed. The FEIS should discuss whether any of the proposed new demands for water and corresponding wastewater treatment realize a significant transfer of water between watersheds.

Aquatic Resource Impacts

Wetlands

EPA is currently reviewing a joint public notice dated April 21, 2010, for four individual permits for four projects (DMPTR, IPBC, MPMGR and QTR) with a total of 185.9 acres of wetland impacts. This is a substantial level of wetland impacts, particularly in relation to recently permitted impacts throughout Georgia. EPA is particularly concerned that all impacts have been characterized as wetland impacts when two of the four projects show the potential for streams impacts on the 7.5-minute USGS topo quad maps. EPA notes that while the Fort has had a significant cumulative impact to streams from past projects, these impacts have not been mitigated.

The FEIS should provide more discussion regarding the quality of the wetlands impacted. The DEIS mentions they’re freshwater wetlands and that the Army has acquired mitigation credits to restore a historically but degraded hardwood wetland system.³ It is unclear what type of wetlands ecosystems are being impacted by the ranges and garrison proposed projects.

³ P. 6-9.

EPA is unable to fully evaluate wetlands impacts, which is an area of CWA-designated responsibility for the Agency, in the DEIS because expanded CWA § 404(b)(1) analyses have not been prepared for three ranges: FY13 Modified Record Fire Range, FY 13 10/25 Meter Zero Range, and FY14 Convoy Live Fire Range.⁴ This is a concern. EPA would like to review and comment on these analyses before they appear in the FEIS. Please coordinate with Bob Lord, Region 4's Wetlands Program to discuss further.

The DEIS states that the preferred alternative for the Engineer Battalion facilities has more wetland impacts than Alternative C, but the DEIS is unclear how much more impacts, i.e., no wetland acres are provided.⁵ The DEIS does indicate that these wetlands are not pristine and are located in a portion of the cantonment area already impacted by previous construction, operation, and maintenance activities. The FEIS should address this issue.

The DEIS states that the Fort has a regional permit for low water crossings, developed in 2001 and renewed in 2006 for 5 years, which allows for a maximum of 15 acres of cumulative wetlands impacts from low-water crossings. Approximately 5 acres of wetlands have been impacted using this permit.⁶ The FEIS should discuss the application of the Fort's regional permit for low water crossings, which allows for a maximum of 15 acres of cumulative wetlands impacts from low-water crossings, how the cumulative wetlands impacts are defined, and the water quality impacts and other aquatic resources impacts associated with this permit.

Wetlands Mitigation

EPA is concerned that the credit calculations using the Savannah District Standard Operating Procedure (SOP) do not fully compensate for the impacts. The Savannah District has frequently indicated to EPA that the SOP is not applicable to large impacts, such as those over 10 acres. EPA agrees and has proposed a scaling factor to address the cumulative impacts of large projects such as the factor used in the Charleston District SOP. This is the approach used by the Georgia Department of Transportation for its projects that exceed the 10 acre threshold. For very large projects this scaling factor could be capped at an appropriate level. EPA has suggested 3.0 acres, which is equal to the next largest factor used in the SOP. Application of the SOP without a scaling factor for large impacts, particularly the 108.1 acres for the MPMGR is not appropriate, even according to past finding from the Savannah District.

The DEIS indicates that approximately one-third of the Fort's lands are wetlands. It also states some of the remaining 160 credits contained in the Fort's on-site mitigation bank will be used for the Garrison construction projects. Additionally, the Army has previously purchased credits from an established off-Fort wetland mitigation bank in accordance with the Compensatory Mitigation Rule (33 CFR Part 332) to cover the proposed range projects.⁷ The Fort canvassed the available mitigation banks nearly one year ago, which may not reflect the current banks and credit availability. Given the opportunity, EPA would have discouraged the

⁴ P. 4-27.

⁵ P. 4-43.

⁶ P. 3-40.

⁷ P. 6-6.

use of the Wilkinson - Oconee Mitigation Bank since it is out of the watershed, out of the ecoregion, and likely does not fully compensate for the functions lost at the project sites. EPA is also concerned, despite the rationale provided in the DEIS, that the Fort is not fully debiting its own mitigation bank before going to off-site alternatives. The Fort's mitigation bank is within the same watershed and ecoregion and thus more likely to replace the lost wetland functions. There appears to be ample time to expand this bank to accommodate the future needs presented as a reason for not fully using it for these projects. Typically, EPA discourages applicants from purchasing mitigation credits until the Section 404 permit has been issued, because this precludes other, possibly preferable, mitigation actions.

EPA disagrees with the statement that applying for a CWA § 404 permit is a minimization of wetlands impacts. The DEIS states “While the Army strives to avoid negative impacts to wetlands when it sites new range and training facilities on Fort Stewart, if impacts to regulated wetlands cannot be avoided, the Army minimizes those impacts by applying for a Section 404 permit as required by the Clean Water Act.”⁸ CWA 404 requires a permit for any dredge and fill impacts to jurisdictional waters, including wetlands. The CWA is a regulatory requirement, not a mitigation option. The FEIS should clarify this misrepresentation of CWA § 404 permit program as a form of mitigation.

The DEIS discusses wetlands compensatory mitigation in context of NEPA-required mitigation when it should also discuss how the proposed mitigation meets the requirements of the Compensatory Mitigation for Losses of Aquatic Resources Final Rule.⁹ NEPA requires that to the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act, the National Historic Preservation Act of 1966, the Endangered Species Act of 1973, and **other environmental review laws and executive orders**.¹⁰ The Compensatory Mitigation for Losses of Aquatic Resources Final Rule is considered to be a relevant “other environmental review law” as it is one of the CWA § 404 implementing regulations. The FEIS should discuss and apply the Final Rule in its wetlands mitigation discussion.

While EPA does not expect the precise replication of all wetlands adversely impacted by the proposed action, the FEIS should explain how the proposed mitigation will adequately compensate for lost wetland functions and values such that it results in no net loss of wetland functions and values. This discussion is absent from the DEIS. Furthermore since the U.S. Army Corp of Engineers (USACOE) cannot issue a CWA § 404 permit if there is a less damaging practicable alternative, the FEIS should discuss compliance with this provision.

Cumulative Impacts

The DEIS states that the USACOE documents approximately 1,467,774 acres of wetlands impacted within 20 Georgia counties and by deducting 1,982.87 acres of wetlands impacts since 1990 there are at least 1,465,791.13 acres of wetlands remaining. According to the

⁸ P. 6-5.

⁹ 33 CFR Parts 325 & 332 and 40 CFR Part 230

¹⁰ 40 CFR § 1502.25 (a)

DEIS, this amounts to a loss of 0.14% of wetlands since 1990 – an insignificant amount.¹¹ It is unclear if the USACOE document referenced in the DEIS is referring to the 1,467,774 acres of wetlands as being impacted in the 20 Georgia counties or existing (un-impacted) wetlands in these counties. This paragraph needs to be clarified in the FEIS.

The DEIS indicates the construction of six new ranges is reasonably foreseeable on the Fort 2016 and 2017. The EIS should mention whether there is sufficient land on the Fort to accommodate these new ranges or whether the Fort suffers a training land shortfall requiring acquisition of new lands outside the Fort's boundaries.

¹¹ P. 5-18.